

Amendment and Response
U.S. Serial No. 10/782,363
June 1, 2006
Page 11

REMARKS

Reexamination and reconsideration are requested in view of the foregoing amendments and remarks that follow. Claims 1, 2, 3, 5, and new claim 38 remain for consideration on the merits. Claims 4, and 6 to 37 have been cancelled from the application.

Support for new claim 38 is found on page 16, lines 3 to 19 and in claim 2 as originally filed.

The specification has been amended at page 74, first full paragraph, to correct typographical errors. The initial capitalization of the term "trithiocarbonate" has been changed to lower case. The term "epoxy group" in the first sentence of the paragraph has been changed to "repeat unit". From the gist of the sentence as originally presented, it is evident that the "repeat unit" definition is being further delineated and not the "epoxy group" definition. In addition, the structural formula has been amended by removing subscript letters "m" and "n" that were used in conjunction with the first and second occurrence, respectively, of the "(polymer)" moiety. Since the bracketed moiety "(polymer)" represents a polymer moiety the "m" and "n" are superfluous. The penultimate sentence of the paragraph has also been deleted.

Election/Restrictions

Applicants acknowledge that the inclusion of claim 6 in Group I set forth in the Restriction Requirement mailed on November 25, 2005 was inadvertent. Accordingly, claim 6 has been cancelled from the application. Claims 1, 2 and 5 have been amended to comply with the Restriction Requirement in that all originally claimed embodiments outside of Formula X¹ have been cancelled from the claims.

Claim Rejections - 35 U.S.C. § 101

Claims 7 to 9 were rejected under 35 U.S.C. § 101 as set forth in the paragraph bridging pages 2 and 3 of the Detailed Action. Applicants submit that this issue is moot in view of the cancellation of claims 7 to 9 herein.

Amendment and Response
U.S. Serial No. 10/782,363
June 1, 2006
Page 12

Claim Rejections - 35 U.S.C. § 112

Relying on 35 U.S.C. § 112, second paragraph, the Examiner rejected claims 1 to 5 and 7 to 9 as set forth on pages 3 through 10 of the Detailed Action. Applicants herein will address each issue in the order raised by the Examiner in the Detailed Action.

Claim 1:

- The Examiner stated that no antecedent basis exists for the term "unsaturated monoacid". Accordingly, the term has been removed from the claim. It is submitted that the recitation of "unsaturated monocarboxylic acid containing from 3 to about 10 carbon atoms" set forth in the instant claim as amended is sufficient to describe the second reactant.
- The Examiner objected to the term "toughener" as set forth in claim 1 and throughout the claims. Accordingly, the term has been deleted from claim 1 and throughout the claims.
- The Examiner objected to Formula X¹ stating that "EPOXY" was not defined". Accordingly, claim 1 has been amended to include the definition of "EPOXY". Support for the definition is found in claim 3 as originally filed and in the specification on page 75, line 10 to page 76 line 5.
- The Examiner objected to the phrase "where m and n, independently, is a repeat unit from about 5 to about 1,000". Accordingly, the claim was amended by removing the "m" and "n" subscripts from Formula X¹ and by inserting the definition of the term polymer. Since applicants choose to describe the bracketed moiety in terms of a whole polymer moiety instead of its constituent repeating units, "m" and "n" are not needed to support the structural definition.
- Again referring to applicants' recitation of subscripts "m and n", the Examiner objected to the conjunctive employment of the two variables. It is submitted that this objection is moot in view of the deletion of the subscripts from the claim language.
- The Examiner objected to Formula X¹ stating that the identity of "(polymer)" is not defined in claim 1. As discussed above, the definition of the term has been inserted into the claim language. Support for the amendment is found on page 15, line 26 to page 16, line 2 of the specification as originally filed.

Amendment and Response
U.S. Serial No. 10/782,363
June 1, 2006
Page 13

- Referring to the definition of substituents under R^1 and R^2 , the Examiner objected to the recitation of "or combinations thereof" employed with the recitation of the Markush group language from which the R^1 and R^2 substituents are selected. Accordingly, the phrase has been removed from the claims.
- Referring again to the definition of the substituents under R^1 and R^2 , the Examiner states that it is not clear whether the phrase "said one or more substituents" refers only to the substituents referred to as optional on the alkyl group identity of R^1 and R^2 , or which is optional on the aryl moiety recited in the claim. Applicants submit that the "one or more substituents" are optional on the alkyl moiety and the "1 to 6 substituents" are optional on the substituted aryl moiety. Accordingly, claim 1 has been amended to clear up the ambiguity. Specifically, the claim language has been amended to include a Markush group setting forth the optional substituents on the substituted alkyl group and a separate Markush group setting forth the optional substituents on the substituted aryl group. In addition, the punctuation between the various substituents has been changed (semicolons have been inserted) to make the claim read more clearly.

Claim 2:

- The Examiner objected to the phrase "where m and n, independently, is a repeat unit from about 7 to about 150". Applicants can find no reference to this phrase in claim 2 and query if this objection was intended to be applied to claim 3 which does include the phrase. In any event, the phrase has been deleted from claim 3.

Claim 3:

- The Examiner objected to the definition of the EPOXY moiety because the definition includes groups that do not include epoxide groups. In view of the cancellation of the EPOXY definition from the claim, this objection is moot as it relates to claim 3. However, the EPOXY definition has been incorporated into claim 1 and the recitation of a "polyhydric phenol and polyether alcohol" has been deleted.

Amendment and Response
U.S. Serial No. 10/782,363
June 1, 2006
Page 14

Claim 5:

- The Examiner objects to the recitation of "about 1 to about 2" which delineates the number of terminal epoxy groups in Formula X¹. The recitation of the number of epoxy groups has been deleted.

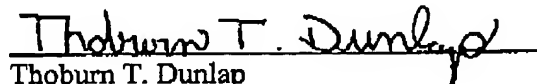
Claim 5 has been amended to include several additional EPOXY groups. Support for the additional structures is found at page 76, line 6 to page 77, line 6.

Claim Rejections - 35 U.S.C. § 102

Relying on 35 U.S.C. § 102(b) claims 1 to 5 have been rejected as being anticipated by U.S. Patent No. 3,658,741 (to Knutson and Dench). Claim 1 has been amended by inserting the phrase "or copolymer" after the word "said" in line 6 of claim 1 as originally filed as suggested the Examiner.

In view of the amendments and remarks herein, it is respectfully submitted that the instant claims are in condition for Allowance. Accordingly, an early Notice of Allowance with respect to claims 1, 2, 3, 5, and 38 is earnestly solicited. Should the Examiner determine that a telephonic interview would be helpful, applicants invite the Examiner to contact their agent at the telephone number listed below.

Respectfully submitted,


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